

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1067

6
7 H.P. 829

House of Representatives, March 4, 1983

8 On Motion of Representative Nelson of Portland, referred to the
9 Committee on Health and Institutional Services. Sent up for concurrence and
ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Reeves of Pittston.

Cosponsors: Representative Manning of Portland and Senator Bustin of
11 Kennebec.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Regulate Smoking on Public
18 Conveyances in the State of Maine.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 22 MRSA §§1579 - 1579-D are enacted to read:

23 §1579. Smoking prohibited on public conveyances

24 1. Definitions. As used in this section and sec-
25 tions 1579-A to 1579-D, unless the context otherwise
26 indicates, the following terms have the following
27 meanings.

28 A. "Public conveyances" means forms of trans-
29 portation with enclosed, sheltered areas carrying
30 persons of the general public from destination to
31 destination, including buses, airlines, passenger
32 trains, private and public ferries and limousine
33 service.

1 B. An "independent smoking area" may be desig-
2 ned by proprietors or administrators in charge
3 of public conveyances when there exists 2 sep-
4 arate and distinct passenger compartments.

5 §1579-A. Proscription

6 Smoking is prohibited in all passenger sections
7 of public transport, except in areas designated as
8 "smoking permitted" areas.

9 §1579-B. Responsibility of proprietors; administra-
10 tors

11 1. Posting signs. There shall be posted, in con-
12 spicuous places, a sufficient number of "no smoking"
13 or "smoking permitted" signs, with letters clearly
14 visible.

15 2. Smoking permitted areas. The "smoking permit-
16 ted" area shall not exceed 50% of the total area used
17 by the public. A "no smoking" area shall be no less
18 attractive or convenient than a "smoking permitted"
19 area.

20 3. Restricted to smoking permitted areas. Lighted
21 smoking instruments, such as cigarettes, cigars or
22 pipes, may not be carried outside "smoking permitted"
23 areas.

24 §1579-C. Waiver; application

25 To apply for a waiver of sections 1579-A and
26 1597-B, the proprietor or administrator responsible
27 for the public conveyance on public transport service
28 shall submit a written application to either the
29 Department of Transportation or the Public Utilities
30 Commisison, whichever has authority over the carrier,
31 stating the grounds for the waiver. The department
32 responsible has the right to request any other infor-
33 mation reasonably necessary to determine the merits
34 of the waiver application.

35 An applicant for a waiver has the burden of pro-
36 ducing clear and convincing evidence to demonstrate
37 that compelling reasons consist of evidence that
38 implementation of sections 1579 to 1579-D would

1 endanger the ability of the public place to produce
2 sufficient income to meet its operating expenses. Ac-
3 ceptable evidence of these compelling reasons con-
4 sists of financial records and projections, based
5 upon demonstrable proof, reasonably showing changes
6 of income and expenses which are directly attribut-
7 able to sections 1579-A and 1579-B; and that, even
8 with a waiver of sections 1579-A and 1579-B, the con-
9 centration of carbon monoxide in sections of the
10 public conveyance will at no time exceed acceptable
11 concentration levels of carbon monoxide in outside
12 air.

13 §1579-D. Determination of eligibility for waiver

14 In making a determination of eligibility of an
15 applicant for a waiver, the Department of Transporta-
16 tion or the Public Utilities Commission, whichever
17 has authority over the carrier shall:

18 1. Consider information. Consider information
19 supplied by the responsible person in the application
20 for a waiver;

21 2. Consider prevailing smoking restrictions. Con-
22 sider prevailing smoking restrictions and other prac-
23 tices relating to similar conveyances; and

24 3. Consider other relevant information. Consider
25 other relevant information consistent with the intent
26 of sections 1579 to 1579-C and this section.

27 After reviewing the information required, the
28 responsible agencies shall make the final decision on
29 the waiver application and shall respond in writing
30 to the applicant, indicating that the waiver request
31 has been denied or approved and the reasons therefor.

32 STATEMENT OF FACT

33 The purpose of this bill is to regulate smoking
34 on public conveyances in the State.

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